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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,347	11/08/2003	Catherine B. Labelle	0180151	4624
25700 7590 12/22/2008 FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691				
EXAMINER				
CHEN, KIN CHAN				
ART UNIT		PAPER NUMBER		
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12/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CATHERINE B. LABELLE, BOON-YONG ANG,
JOONG S. JEON, ALLISON K. HOLBROOK, QI ZIANG
and HUICAI ZHONG

Application No. 10/705,347
Technology Center 1700

Mailed: December 22, 2008

Before CAROLYN L. JOHNSON, *Supervisory Paralegal Specialist*.
JOHNSON, *Supervisory Paralegal Specialist*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on November 21, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

- (8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed June 19, 2008 is deficient because the "Evidence Relied Upon" section fails to include the reference to Chang et al. (U.S. Pub. No. 2004/0188240) cited on page 3 in the Examiner's Answer's grounds of rejection of claims 21-34 under 35 U.S.C. § 103(a).

Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- (1) to issue a PTO-90 citing the missing reference listed under the Evidence Relied Upon section, paragraph (8); and
(2) such further action as may be required.

Application No. 10/705,347

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CLJ

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